The Builder.

NO. LXXI.

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LITERATURE requires to be constantly stimulated; those who, instead of waiting till genius shall inspire them, are obliged periodically to bring a literary crop from their brain, without any fallowing interval, must of necessity sometimes fall into repetition, sometimes savor of dryness; it is therefore cheering, amid the mingled pleasure and drudgery of such a pursuit, to find any approval, any applause; and still more cheering is it to find such labour acknowledged to be useful; it requires a man of some nerve, who, careless of evil advice, while regardful of the truth, remains unbiassed and unquailing; he must expect, indeed as he would were he to found a new college, or any other useful or noble institution, to meet occasionally with a Thersites, a Marplot, who, alike destitute of genius and goodness of disposition, has activity and industry enough to undo the effect of all his ancestors' labours of worth, so that the world would have profited more, except for example's sake (the mere culprit's value), if his whole race had never existed; in the case of a new college or other noble foundation, the offending member may be expelled, as indeed has invariably been found to have been a providential ordinance of fixity before the world began; but in the case of the literary man, the dependence alone is to be had in quietude, keeping from entanglement, taking no revenge but that silence which can alone stop the mouth of such a Thersites—a line of conduct which forms the only punishment which the worthless babillard can feel.

In going through the amended proposed Metropolitan Building-Act, we have, amid such drudgery, received some consolation by finding two-thirds at least of the observations which we published upon the subject have been strictly attended to, and the suggestions which they contained have been embodied in the revised Bill. We this week give quotations from the Bill in its present form, with our own remarks; but as we have as it is, been compelled to go to great length, we are obliged to reserve till next week all observations of a general nature.

To the Bill as amended has been prefixed a copious table of its contents, occupying four pages, under several heads, in which are stated the particulars of each department.

In the preambie, page 1, the words "And forsamuch as many buildings and parts of buildings unfit for *dwellings* are used for that *purpose*," are still used, though lame, and would, as Mr. Bartholomew suggested, be improved by being altered to "*Buildings unfit for the purposes of human habitations are used as human dwellings.*"

Page 2, line 15.—The words "*It* is expedient to make provision for the adoption of all such expedients" are still retained, and require to be improved in form.

Page 3, line 18.—The words "or place along which carriages are intended to pass," is not sufficiently explicit; the kinds of carriages ought to be stated, and if wheel-barrows or trucks of any kind would be considered as coming within the meaning intended.

The word "floor to mean the *horizontal* platform," would be of no avail, if the flooring descended, as in the case of a theatre.

Page 4.—The sentence should run, as suggested by Mr. Bartholomew, "or in the occupation of such ground or tenement, other than as a tenant from year to year, or other than as a tenant-at-will."

Page 5.—"And to all places lying within two hundred yards from the exterior boundaries of the district hereby defined." We do not find that any provision is now made for giving the district surveyors power to act over this extra territory.

Power to be given to THE COUNCIL to extend the operation of the proposed Act "TO ANY PLACE WITHIN TWELVE MILES OF CHARING-CROSS." We must again urge that some clear definition ought to be given how admeasurement would be made, whether by the roads or by the compasses upon a map; also, if this be carried, whether a town or other place, partly within the twelve miles, is to be wholly included or wholly excluded. And we must again state that no provision whatever is made for the counties of Essex and Hertford to bear any portion of the expense of the official referees and registrar of metropolitan buildings, nor for increasing, according to extent of land, the number of official referees, nor for altering the scale of contribution according to the increase in some counties. We must also again urge we think the *council* would be so delicate in the use of this power, that the provision would consequently become obsolete; and that we think a matter so strictly penal as a Building Act should depend alone upon statutary enactment. St. Paul's Cathedral, we again repeat, is nearer the centre of the metropolis and the villages immediately adjacent to it. We therefore think it the vertex from which the admeasurement in question should be taken.

Page 7, line 26, "In accordance to," should be altered to "*in accordance with.*"

The unjust clauses relative to building contracts have been withdrawn, as Mr. Bartholomew suggested, as too arbitrary to form part of an English statute, and the following improved form has been substituted:—

"Provided always, and be it enacted, with regard to any building of whatever class, so far as relates to the modification of any written contract or agreement now in force for erecting or altering such building (other than a contract or agreement in the nature of a building lease), that it shall not be lawful to execute such contract otherwise than in conformity with the provisions of this Act; but it shall be lawful for either party, and he is hereby entitled to deviate from such contract, so far as any part thereof may remain to be executed after this Act shall have come into operation; and the alterations rendered necessary by this Act shall be performed as if this Act had been in force when such contract was entered into; and that if the parties thereto shall disagree about the difference of the costs and expenses of the works when performed according to the provisions of this Act, and the works as stipulated for in such contract, then upon notice being given in writing by one party to the other, it shall be lawful for either party, and he is hereby entitled, to refer the matter to the surveyor, who shall determine the same, subject to appeal as aforesaid to the official referees; and the award of such official referees shall be final and binding on all the parties, and in all respects as if such award had formed part of the contract; and the costs of the reference shall be borne by all, or any, or either of the parties, in such manner and proportion as the surveyor, or, in case of appeal, as the official referees shall appoint."

"Provided also, and be it enacted, with regard to any building of whatever class, so far as relates to the modification of any lease, or agreement for a lease, being of the nature of a building lease, whereby any person may be bound to erect buildings, that, notwithstanding any thing herein contained, it shall be the duty of such person and he is hereby required to erect every building agreed to be built by such lease or agreement, according to the conditions rendered necessary by this Act, in the same or like manner as if this Act had been passed and in operation at the time of making such lease or agreement; and that on the completion of such work, and on giving fourteen days' notice of his intention to apply to the official referees on this behalf, it shall be lawful for the lessee or tenant, and he is hereby entitled, to require the official referees to ascertain what loss, present and prospective, has been occasioned by the observance of the provisions of this Act, and to determine whether he is entitled to any and what compensation, whether by payment of money or reduction of rent, or both, or otherwise; and that, on the receipt of such requisition, and on proof of due notice thereof having been given to the lessor or owner of the building, it shall be the duty of such official referees, and they are hereby required, to proceed to ascertain if any and what loss has been so occasioned, and to determine if any and what compensation, as aforesaid, be due in respect thereof, and their decision in the matter shall be final."

We must still exercise our fears as to some parts of the working of the following clauses:

"And, for the purpose of preventing the express provisions of this Act from hindering the adoption of improvements, and of providing for the adoption of expedients either better or equally well adapted to accomplish the purposes thereof; be it enacted, with regard to every building, of whatever class, so far as relates to the modification of any rules hereby prescribed, that if, in the opinion of the official referees, the rules by this Act imposed shall be inapplicable, or will defeat the objects of this Act, and that by the adoption of any modification of such rules, such objects will be attained either better or as effectually, it shall be the duty of such official referees to report their opinion thereon, stating the grounds of such their opinion, to the Commissioners of Works and Buildings; and that, if on the investigation thereof it shall appear to the said Commissioners that such opinion is well founded, then it shall be lawful for the said Commissioners, or any two of them, to direct that such modification may be made in such rules as will, in their opinion, give effect to the purposes of this Act; and that, although such official referees shall be of opinion that such modifications are not requisite or admissible, yet if any party interested present to the official referees a representation, setting forth the grounds whereon such modification is claimed, it shall be the duty of the official referees, and they are hereby required to report such representation, as well as their opinion thereon, to the said Commissioners, with the grounds of such their report and opinion; and that thereupon, if the said Commissioners think fit, it shall be lawful for them, or any two of them, to direct the official referees to make such order in the matter, as may appear to them to be requisite."